

### **REMARKS**

Claims 1-24 are pending and Applicant herein amends Claims 1, 6, 7, 10, 15, 20 and 22. At least for the reasons stated below, Applicant believes that pending Claims 1-24 are patentable and respectfully requests allowance thereof.

At pages 2-5 of the Office Action, the Examiner begins by stating that independent Claim 15 is rejected under 35 U.S.C. § 103(a) as being allegedly rendered obvious by background pages 1-4 of the present application (the "AAPA") in view of commonly assigned U.S. Pat. No. 6,043,894 to Van Aken et al. (the "Van Aken '894 Patent"). Applicant respectfully submits that this rejection is moot by virtue of Applicant having herein amended Claim 15. Notwithstanding, the AAPA and the Van Aken '894 Patent are discussed below in connection with amended Claim 15 to facilitate examination thereof. As discussed further below, Applicant respectfully submits that amended Claim 15 is patentable and respectfully requests allowance thereof.

Claim 15 recites a method for facilitating communications between a specifier and one or more suppliers. The method of Claim 15 includes receiving an e-palette across a computer network at a server, said e-palette originating from a specifier workstation and including parameters related to said e-palette, **said parameters including a set of goods** and a predetermined set of suppliers associated with said e-palette by said specifier. For example, at page 16 and Figure 4 of the present application, it is shown and described that a clothing category, type, brand, etc. is selected, e.g., "GAP Men's Outerwear," and that the nature of the goods can be included in the e-palette. The method of Claim 15 further includes automatically communicating to the predetermined set of suppliers the existence

of said e-palette at the server and permitting remote access to said e-palette by the predetermined set of suppliers at said server (the parameters of "said e-palette" naturally including the set of goods).

Regarding the AAPA, it is understood by Applicant from page 4 of the Office Action that Examiner finds the following passage of the AAPA to be most salient:

Color is a fundamental building block in countless industries and production environments, including the textile, printing and manufacturing industries. Historically, communications between designers/specifiers and color suppliers have involved manual processes that are based in large measure on physical standards and/or samples. For example, in the textile industry, textile specifiers have generally fabricated a desired color standard and shipped the standard to one or more potential suppliers around the world. Upon receipt of the desired color standard, each supplier undertakes to make color match(es), submitting physical exemplars of their "matches" to the designer/specifier for quality control evaluation. Based on the quality control results, the designer/specifier may accept or reject the supplier's submission and/or request revised submission(s) from the supplier. Thus, the color management process has historically been slow, relatively inefficient and dependent on the transmission of physical standards. (AAPA Page 1, Lines 14-25).

Notwithstanding the disclosure of the AAPA, the Examiner states at page 4 of the Office Action that the concept of managing color across a computer network at a server is excepted from the teachings of the AAPA and that the AAPA is to be combined with the Van Aken '894 Patent.

The Van Aken '894 Patent discloses methods for maintaining uniformity among instruments. Color values are measured for a set of master color standards on a

master color measuring instrument at a master color lab, and color values are measured for sets of working color standards on the same instrument to determine calibration values. The working sets are provided to remote locations to be measured on remote color measuring instruments to obtain color value measurements. The measurements from the remote instruments are compared with the calibration values obtained from measurements on the master instrument to generate profiles which are provided to the remote color labs. The profiles are applied to measured color values for the set of working color standards to obtain corrected color values. These values are transmitted to the master color lab and analyzed to determine compliance with specifications as to permissible deviations. (See the Van Aken '894 Patent Abstract).

Applicant respectfully submits that Claim 15 is patentable over the AAPA in view of the Van Aken '894 Patent for at least the following two reasons. First, Applicant respectfully submits that it is improper to combine the quoted AAPA passage and the Van Aken '894 Patent. The Van Aken '894 Patent relates to instrument calibration, while the present application (and the quoted AAPA passage) relates to evaluating product quality. Furthermore, in this particular regard, the Van Aken '894 Patent expressly teaches away from the concept of using a network for evaluating product quality, stating the following at Column 5, lines 39-47:

It should be readily appreciated that the central laboratory is not certifying that the parts being produced by any particular facility meet the specifications for the color of the product established therefor, but, rather that the instruments which are being utilized to conduct the measurements are performing within certified tolerances. These

tolerances can be established on a customer-by-customer basis or by an industry standard (emphasis added).

There is meaningful distinction between instrument calibration and evaluating product quality and the methods thereof have different motivations. For example, as stated in the Van Aken '894 Patent, a clear motivation thereof relates to measuring instruments so that they perform properly within certain tolerances. However, a motivation of the present application is to facilitate efficient commerce by providing a novel system to enhance quality assurance processes.

Applicant has amended Claim 15 to highlight this distinction, i.e., the nexus between the e-palette and commerce. More particularly, Claim 15 has been amended to expressly recite that the parameters of the e-palette include "a set of goods". Thus, in preferred embodiments of Claim 15, the e-palette that is received at the server and that is accessible by the suppliers includes goods as a parameter thereof. For at least this first reason, Applicant respectfully submits that amended Claim 15 is patentable and respectfully requests allowance of same.

Second, Applicant respectfully submits that any attempted combination of the Van Aken '894 Patent and the quoted AAPA passage would not collectively disclose or suggest all recited features of amended Claim 15. For example, the Van Aken '894 Patent and the quoted AAPA passage neither disclose the concept of **receiving an e-palette having parameters including a set of goods at a server**, nor do they disclose the concept of notifying the suppliers of the existence of **such e-palette**, and allowing access to **such e-palette**. Furthermore, the method of amended Claim 15 does not merely

“automate” the quoted AAPA passage as suggested at page 5 of the Office Action, but amended Claim 15, among other things, minimizes the number of times a physical good ever needs to actually be shipped by the supplier in the first instance. Among other advantages, this enables the supplier to work toward meeting e-palette requirements without risk of loss of credibility due to premature submissions being made and minimizes the amount of undesirable submissions received by the specifier (see page 28, lines 17-22 of the present application). For at least this second reason, Applicant respectfully submits that Claim 15 is patentable and respectfully requests allowance of same.

At pages 6-7 of the Office Action, the Examiner rejects independent Claims 1 and 22 under 35 U.S.C. § 103(a) as being allegedly rendered obvious by the AAPA in view of the Van Aken ‘894 Patent. Applicant hereby amends independent Claims 1 and 22 to recite “said parameters including a set of goods associated with said e-palette by the specifier”. In this regard, Applicant respectfully submits that independent Claims 1 and 22 are patentable for reasons analogous to those described with respect to Claim 15 and respectfully requests allowance of Claims 1 and 22 for such reasons.

At pages 5-7 of the Office Action, the Examiner rejects dependent Claims 2-14, 16-21, and 23-24 under 35 U.S.C. § 103(a) as being allegedly rendered obvious by the AAPA in view of the Van Aken ‘894 Patent. Claims 2-14, 16-21, and 23-24 each directly or indirectly depend from one of independent Claims 1, 15, and 22, which, at least for the reasons stated above, Applicant respectfully submits are patentable. Thus, Applicant respectfully submits that Claims 2-14, 16-21, and 23-24 are patentable at least by virtue of their dependency upon a patentable independent claim. For at least this reason, Applicant



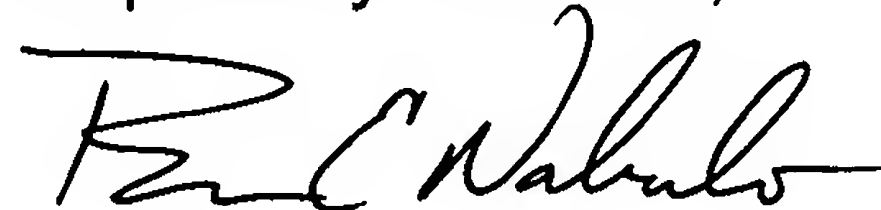
respectfully requests allowance of dependent Claims 2-14, 16-21, and 23-24.

For the sake of good order, it is noted that Applicant has also herein amended dependent Claims 6 and 7. Such amendment of dependent Claims 6 and 7 has not been done for reasons relating to patentability, but has been done to make the grammar of Claims 6 and 7 consistent with that of Claim 1 in view of the amendment thereto. The grammar of dependent Claims 10 and 20 has also been amended for reasons unrelating to patentability.

### **CONCLUSION**

At least for the reasons stated herein, Applicant respectfully requests allowance of pending Claims 1-24. Should there remain any questions or other matters whose resolution could be advanced by a telephone call, the Examiner is invited to contact the undersigned attorney at his number below. If there are any fees due as a result of this Amendment, the Examiner is authorized to charge them to Deposit Account No. 503570. The Examiner is also authorized to charge any deficiency and/or credit any overpayment to said Deposit Account.

Respectfully submitted,



By: Basam E. Nabulsi  
Reg. No. 31,645  
Attorney for Applicant

McCARTER & ENGLISH, LLP  
Financial Centre, Suite 304A  
695 East Main Street  
Stamford, CT 06901-2138  
(203) 399-5920  
(203) 399-5820 (fax)